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CERTIFICATE OF MAILING 37 C.F.R. 1.8	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the date below:	
<u>1/23/04</u> Date	<u>[Signature]</u> David L. Parker

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Rosenblum et al.

Serial No.: 08/251,574

Filed: May 31, 1994

For: Novel Antibody Delivery System for
Biological Response Modifiers

Group Art Unit: 1642

Examiner: Huff, S.

Atty. Dkt. No.: CLFR:029US

DECLARATION OF BIOLOGICAL CULTURE DEPOSIT

Commissioner for Patents
Washington, D.C. 20231

Commissioner:

I, Michael G Rosenblum, hereby declare that:

1. I have deposited with the ATCC the following materials referred to in the specification of the above-referenced application.

DESIGNATION

ZME-018

DEPOSIT NUMBER

HB 11009

2. The date of the above deposit was April 7, 1992.

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3. The name and address of the depository is:

American Type Culture Collection
12301 Parklawn Drive
Rockville, Maryland 20852

4. With respect to the permanence of the culture deposit:

- a. the depository is an official depository in accordance with the Budapest Treaty for the above deposited cultures;
- b. the depository affords permanence of the deposit for at least 30 years from the date of deposit or at least 5 years after the most recent storage request, whichever is longest: and
- c. evidence that permanent availability of the micro organism is assured is provided in the form of the attached copy of the contract with the above-mentioned depository with respect to the deposited cultures.

I affirm that should the microorganisms mutate, become nonviable or be inadvertently destroyed, I will replace such microorganisms for at least 30 years from the date of the original deposit, or at least 5 years from the date of the most recent request for release of a sample or for the life of any patent issued on the above-mentioned application, plus six (6) years to cover the statute of limitations, whichever period is longer.

5. With respect to availability of the cultures I affirm that the deposit has been made under conditions of assurance that the deposited hybridoma will be provided by the ATCC to requesters upon such time as a patent has been issued disclosing the referenced deposit, as evidenced by the attached ATCC contract.

6. I verify and corroborate that the material deposited with the ATCC as described above is identical to the ZME-018 described in the above-referenced patent specification and

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was in my possession at the time the priority application, USSN 07/348,237, was filed on May 5, 1989.

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



Michael G. Rosenblum, Ph.D.

Date: 1/22/04

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American Type Culture Collection

12301 Parklawn Drive • Rockville, MD 20852 USA • Telephone: (301) 231-5526 Telex: 899-855 ATCCNORTH • FAX: 301-770-2587

The American Type Culture Collection (ATCC) has received your deposit of a culture in connection with the filing of an application for patent. The following information is provided to fulfill requirements.

Name and Address of Depositor:

Michael G. Rosenblum, Ph.D.
M.D. Anderson Cancer Center
1515 Holcombe Blvd., Box 041
Houston, TX 77030

Deposited on Behalf of:

Research Development Foundation

Date of Receipt of Culture by the ATCC: April 7, 1992**Scientific Description****Depositor's Reference****ATCC Designation**

Murine hybridoma

ZME-018

HB 11009

The ATCC understands that:

1. The deposit of this culture does not grant to ATCC during the effective term of the patent anticipated a license, either expressed or implied, to infringe the patent, and our release of this culture to others does not grant them a license, either expressed or implied, to infringe the patent.
2. If this culture should die or be destroyed during the effective life of the patent, it shall be your responsibility to replace it with a living culture of the same organism. It is also your responsibility to supply sufficient quantity for distribution for the period of time specified.

The ATCC agrees that in consideration for a one-time service charge, not to distribute this culture or any information relating thereto or to its deposit until such time as a patent has been issued disclosing the above deposit except in accordance with U.S. Patent Office Rule of Practice, Rule 14, or until you authorize us to make this strain available. After a patent is issued and we are so informed, the culture will be made available for distribution to the public. The ATCC agrees to maintain the culture for a period of 30 years from deposit date, or until at least five years after the most recent request for a sample, whichever is longer.

The culture was tested and was viable on April 10, 1992.

Nonpayment of the service charge within 90 days of the deposit date relieves the ATCC from the above provisions.

American Type Culture Collection

By Bobbie A. Brandon
(Mrs.) Bobbie A. Brandon, Head
ATCC Patent Depository

Date: April 17, 1992**cc:** Dr. Benjamin Adler ✓